

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 25 2005

OFFICE OF  
MANAGING DIRECTOR

Jeremy Lansman, President  
Fireweed Communications Corp.  
3700 Woodland Drive, #800  
Anchorage, AK 99517

Re: Fireweed Communications Corporation  
Stations KYES(TV), KYEX-LP, and  
KZND-LP, Anchorage, AL  
FY 2004 Regulatory Fee  
Fee Control No. 00000RROG-05-030

Dear Mr. Lansman:

This letter responds to your request dated November 17, 2004, submitted on behalf of Fireweed Communications Corporation, Anchorage, Alaska, that the Office of Managing Director (OMD) reconsider its decision denying your request for a waiver of the fiscal year 2004 regulatory fees for Stations KYES(TV), KYEX-LP, KZND-LP, Anchorage, Alaska and the associated translator and auxiliary stations on the grounds of financial hardship.<sup>1</sup> Our records reflect that you have not paid the regulatory fees at issue here.

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

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<sup>1</sup> See Letter from Mark A. Reger, Chief Financial Officer (CFO), Office of Managing Director (OMD), FCC, to Jeremy Lansman, Fee Control No. 00000RROG-04-074 (dated Oct. 22, 2004) (*Letter Decision*). Although you state that you are requesting a waiver of the FY 2003 regulatory fees, we will assume that you are in fact requesting a waiver of the FY 2004 regulatory fees given that OMD has already granted Fireweed a waiver of the FY 2003 regulatory fees and given your reference to the *Letter Decision* and its associated fee control number as the basis for the instant request for regulatory fee relief. See Letter from Mark A. Reger, CFO, OMD, FCC, to Jeremy Lansman, Fee Control No. 00000RROG-03-115 (dated Jan. 13, 2004) (granting request for waiver of the regulatory fee for FY 2003).

In a supplemental filing, you submit a copy of Fireweed's "Profit and Loss" statement for the period from January 2003 through December 2003 (*2003 Profit and Loss Statement*) and a document listing the "Officers and Employees of KYES Having 2003 Gross Wages Greater Than \$30K" (*2003 Salary Statement*). Fireweed's *2003 Profit and Loss Statement* and *2003 Salary Statement* indicate that Fireweed suffered a financial loss in the period from January 2003 through December 2003, which was only partially offset by depreciation, payroll expenses attributable to its two principals and its highest-paid employee, and expenses identified as "Miscellaneous." Given that Fireweed suffered a financial loss from January 2003 through December 2003, we grant your request for a waiver of the regulatory fee for FY 2004.

You have also requested confidential treatment of the material that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fees is received, you will be notified and afforded the opportunity to respond at that time.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In re: Request for Waiver of FY 2003 Regulatory Fee  
Fee Control No. 00000RROG-04-074

To: Office of Managing Director

PETITION FOR RECONSIDERATION

Fireweed Communications Corporation submitted a request for waiver of the FY 2003 regulatory fee. In that request I stated that Fireweed had compelling financial hardship, BUT HAD NOT submitted financial data in support the request, as in years past, the Commission had requested that such information be resubmitted in different format, and with the most accurate and up to date information available. By letter signed for Mark A. Reger, Chief Financial Officer of the Federal Communications Commission, dated October 22, 2004, and postmarked October 25, the petition for waiver was denied, stating that the supporting documentation was missing.

We are herewith submitting herewith via e-mail the data we presently have available. It includes a complete detail listing of all financial transactions for our FY 2003, and a separate listing of payroll information.

Also supplied is a list of officers of the company, and their individual compensation, together with a list of our highest paid employees. Compensation of all employees is provided as part of the detailed financial showing provided in the password protected zip file.

The company made no payments to owners, or repayments to owners except for salaries, which are listed, or payments reimbursing station expenses incurred by the owners on their personal credit card.

Confidentiality regarding financial data has been previously requested and we hereby restate that request.

The data submitted is tendered electronically, and is password protected. The password used is identical to that used for FY 02.

For reasons given above, we respectfully request reconsideration of the denial of a waiver of the regulatory fees for FY 2003.

Submitted November 17, 2004

By: Jeremy Lansman  
President, Fireweed Communications Corporation,  
Member, Fireweed Communications, LLC